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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DUPLICATE

TASER INTERNATIONAL, INC., <i>et al.</i> ,)	
)	Case No.: 1:10-CV-03108-JEC
Plaintiffs,)	
)	
v.)	[On removal from the State
)	Court of Fulton County,
MORGAN STANLEY & CO., INC., <i>et al.</i> ,)	Georgia Case No.:
)	2008-EV-004739-B]
Defendants.)	
)	

PLAINTIFF DAVID BATCHELOR'S INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS
RELATING TO GOOD FAITH RELIANCE ON COUNSEL DEFENSE
TO CERTAIN DEFENDANTS

Pursuant to Federal Rules of Civil Procedure Rules 33 and 34, Plaintiff David Batchelor hereby serves the following interrogatories and request for production of documents on Defendants Banc of America Securities, LLC; Merrill Lynch, Pierce, Fenner & Smith, Inc.; Merrill Lynch Professional Clearing Corporation; Morgan Stanley & Co., Inc.; Goldman, Sachs & Co.; and Goldman Sachs Execution & Clearing, L.P., (collectively the "Reliance Defense Defendants") requesting that each of the Reliance Defense Defendants individually respond to the following interrogatory and request for production of documents.¹

Definitions

¹ Defendants removed the case to this Court after it had been pending in the State

1. "You" or "your" designates the Defendant responding to the Interrogatories and includes the Defendant's Legal Department and any outside counsel or any other department or business unit which has responsive information.
2. "Good faith reliance on counsel defense" refers to the set of defenses at issue in Plaintiffs' Motion to Compel Defendants to Produce Documents Related to Their Affirmative Defense of Good-Faith Reliance Or, In the Alternative, To Strike That Defense, filed with the State Court of Fulton County on June 4, 2010.

Instructions

1. Each interrogatory herein shall be construed independently and shall not be limited by reference to any other interrogatory.
2. When an interrogatory does not specifically request a particular fact, but such fact is necessary in order to make the answer to the interrogatory either comprehensible, complete, or not misleading, you are to include such fact as part of the answer and the interrogatory shall be deemed specifically to request such fact.

Court of Fulton County for over two years. Plaintiffs do not believe that the removal of this action was proper. Plaintiffs do not consent to removal or the subject matter jurisdiction of this Court.

3. When, after a reasonable investigation using due diligence, you are unable to answer any interrogatory or any part thereof because of lack of information available to you, specify in detail the type of information which you claim is not available, the reason the information is not available to you, and what you have done to locate such information. In addition, specify what knowledge or belief you have concerning the unanswered portion of the interrogatory, set forth the facts upon which such knowledge or belief is based, and identify, the person who has or is likely to have the information which you claim is not available.
4. When an interrogatory asks for specific information, as for example, a date, identify the information precisely, if known. If the precise date or other specific information is unknown to you or your agents, you are to give your best approximation of the information requested, provided that you indicate in your response that the information being provided is an approximation and is incomplete in certain specific respects. Also identify any person who may be able to provide the exact or complete information requested.
5. The interrogatories shall be deemed continuing in nature. With respect to any of the following interrogatories as to which you, after answering, acquire additional information or documents, you are asked to serve on the undersigned further answers to such interrogatories and produce any

additional responsive documents immediately after acquiring the additional information or documents.

6. If you refuse to answer any interrogatory in whole or in part, describe the basis for your refusal to answer, including any claim of privilege or work product, in sufficient detail to permit the court to adjudicate the validity of your refusal, and identify each document and oral communication for which a privilege is claimed.

Interrogatories

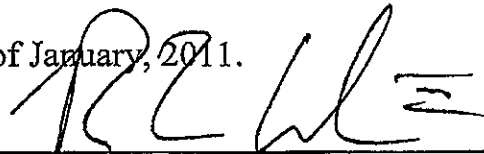
1. Do you intend on asserting a good faith reliance on counsel defense in this case? If so, please state the subject matters and topics for which you intend on asserting that defense.
2. Do you agree that you will not assert a good faith reliance on counsel defense at any time in this case (including summary judgment, trial, and appeal if any)? If you do not agree, please state the subject matters and topics for which you may assert or currently intend on asserting that defense.
3. Do you intend on submitting any evidence (documents, testimony or otherwise) that your actions or inactions, in whole or in part, were based on the opinion or advice of counsel? If so, please state the actions or inactions that you intend on submitting evidence about that were based on reliance on the opinion or advice of counsel.

4. Do you agree that you will not attempt or seek to introduce evidence (documents, testimony or otherwise) that your actions or inactions, in whole or in part, were based on the opinion or advice of counsel? If you do not agree, please identify the subject matters or topics for which you may or will introduce evidence that you relied on counsel.

Request for Production

1. For any subject matters or topics for which you may or will assert a good faith reliance on counsel defense, please produce all documents sent to or received from counsel relating to or discussing that topic.

Respectfully submitted this 31st day of January, 2011.



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(713) 659-7641 Fax
(admitted pro hac vice)

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused to be served a true and correct copy of the foregoing **PLAINTIFF DAVID BATCHELOR'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS RELATING TO GOOD FAITH RELIANCE ON COUNSEL DEFENSE TO CERTAIN DEFENDANTS** upon counsel of record by e-mail and by U.S. Mail to:

Attorneys for Defendants:

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Further, I hereby certify that on this day, I served a true and correct copy of the foregoing via United States mail and email to the following:

**Attorneys for Banc of America Securities, LLC;
Merrill Lynch, Pierce, Fenner & Smith, Inc.; and Merrill Lynch
Professional Clearing Corporation:**
Andrew J. Frackman, Esq.
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Attorneys for Credit Suisse Securities (USA), LLC.:

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Wilmer Cutler Pickering Hale & Dorr LLP

399 Park Avenue

New York, NY 10022

This 31st day of January, 2011.

A handwritten signature in black ink, appearing to read 'RLA', is written over a horizontal line.

Robert L. Ashe

Georgia Bar No. 208077

**IN THE UNITED STATES DISTRICT COURT
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ATLANTA DIVISION**

TASER INTERNATIONAL, INC., <i>et al.</i> ,)	
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Defendants.)	
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CERTIFICATE OF SERVICE

I hereby certify that on this day, a true and correct copy of the foregoing

PLAINTIFF DAVID BATCHELOR'S INTERROGATORIES AND

REQUEST FOR PRODUCTION OF DOCUMENTS RELATING TO GOOD

FAITH RELIANCE ON COUNSEL DEFENSE TO CERTAIN

DEFENDANTS upon counsel of record by hand delivery and email as follows:

Attorneys for Defendants:
Richard H. Sinkfield, Esq.
Dan F. Laney, III, Esq.
Kristina M. Jones, Esq.
Stefanie H. Jackman, Esq.
James W. Cobb, Esq.
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Atlanta, GA 30303-1601

rsinkfield@rh-law.com

Further, I hereby certify that on this day, I caused to be served a true and correct copy of the foregoing by United States mail and email on:

**Attorneys for Banc of America Securities, LLC;
Merrill Lynch, Pierce, Fenner & Smith, Inc.; and Merrill Lynch
Professional Clearing Corporation:**

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Attorneys for Credit Suisse Securities (USA), LLC.:
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399 Park Avenue
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This 31st day of January, 2011.

/s/ Robert L. Ashe
Robert L. Ashe
Georgia Bar No. 208077